

Notice of Allowability

Application No.

09/742,534

Examiner

James Sheleheda

Applicant(s)

ELDERING, CHARLES A.

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/12/05.
2. ☒ The allowed claim(s) is/are 1, 2, 6-17, 20, 22-28, 32, 33, 36, 38, 41, 42, 45, 47, 48 and 53-64.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Andrew Spicer on 02/08/06.

The application has been amended as follows:

a. **IN THE CLAIMS:**

In claim 42, lines 27-28, **after** "said presentation channel map", --with said individual advertising group map-- has been removed.

Allowable Subject Matter

2. The following is an examiner's statement of reasons for allowance:

Claims 1, 2 and 6-12 are allowable because the prior art fails to teach or disclose a method of transmitting television programming and advertising, comprising: creating a plurality of subscriber groups, receiving at least one programming channel of television programming, **forming from said at least one programming channel a plurality of presentation channels of television programming, the plurality of presentation**

Art Unit: 2617

channels having programming identical to said at least one programming channel, each presentation channel corresponding to one of the subscriber groups, storing a plurality of advertisements for insertion into advertising avails, storing for each presentation channel a queue comprising an ordered list of advertisement resource locators comprising a pointer to a location of corresponding advertisements, determining advertising avails in each of said presentation channels, for each presentation channel, determining an advertisement to be inserted in the advertising avails, inserting said determined advertisement into said avails, **transmitting each of said presentation channels to at least those subscriber nodes in said subscriber group corresponding to said presentation channel** and assigning each subscriber to one or more of the subscriber groups, wherein the assigning includes creating an advertising group map disclosing an advertising group to which each subscriber belongs and **transmitting said advertising group map to said subscriber nodes**, as recited in the claims.

Claims 13-17, 20 and 22-27 are allowable because the prior art fails to teach or disclose an apparatus for transmitting television programming and advertising, comprising: a receiver for receiving a plurality of programming channels, **a plurality of splitters, each splitter coupled to receive one of said programming channels and split said programming channel into a plurality of presentation channels**, a first memory for storing a plurality of advertisements for insertion, a second memory, storing for each presentation channel, a queue comprising an ordered list of advertisement

Art Unit: 2617

resource locators comprising a pointer to a location of corresponding advertisements, a circuit for determining advertising avails in each of said presentation channels, an advertisement management circuit adapted to consult said queues to determine which advertisements are to be inserted in which avails, wherein said advertising management circuit is configured to **generate an advertising group map** disclosing an advertising group to which each subscriber belongs, an advertisement insertion circuit adapted to insert said determined advertisements into said avails, a transmitter adapted to **transmit each of said plurality of presentation channels to at least those subscriber nodes in at least one of a plurality of subscriber groups**, the at least one group corresponding to said presentation channel, **wherein the advertisement management circuit causes said transmitter to transmit said advertising group map to said subscriber nodes**, as recited in the claims.

Claims 28, 32, 33, 36, 38 and 41 are allowable because the prior art fails to teach or disclose a method of receiving at a subscriber node at least one channel of television programming and advertising, comprising: assigning said subscriber node to an advertising group, receiving at least one programming channel of television programming, **simultaneously transmitting a plurality of presentation channels via said television service delivery system to said subscriber node**, the presentation channels corresponding to a programming channel, said programming channel comprising television programming and advertising avails, wherein said plurality of presentation channels contain identical programming and different advertising

Art Unit: 2617

within said advertising avails, storing data indicative one of the presentation channels corresponding to the advertising group at said subscriber node, based on said assigning, enabling the subscriber node to select, receive and display said one presentation channel, **receiving a presentation channel map disclosing for each presentation channel how said subscriber node can select that presentation channel for reception and display, and creating an individual channel map for said subscriber node indicating which presentation channel to select**, as recited in the claims.

Claims 42, 45, 47 and 48 are allowable because the prior art fails to teach or disclose an apparatus for **receiving at a subscriber node a plurality of presentation channels of television programming and advertising from a head end, each presentation channel corresponding to an individual one of a plurality of programming channels, wherein each of the presentation channels that corresponds to the same one of said programming channels comprises the same programming content as the programming channel to which it corresponds, but different advertising content**, comprising: a memory at said subscriber node, **an individual advertising group map stored in said memory indicating, for each of said programming channels, one of said corresponding presentation channels**, wherein each programming channel comprises television programming and advertising avails, **wherein each of the presentation channels that corresponds to the same one of said programming channels comprises the identical programming as the**

Art Unit: 2617

programming channel to which it corresponds and different advertising within it's
avails, a circuit for receiving data via said television delivery system from which said individual advertising group map can be created, wherein said data comprises a system wide map mapping said subscriber node to an advertising group and a presentation channel map disclosing for each presentation channel how said subscriber node can select one of said presentation channels, **a circuit for generating said individual advertising group map from said received data by correlating said system wide advertising group map and said presentation channel map to create said individual advertising group map**, a circuit for enabling said subscriber node to **select the presentation channels dictated by said individual advertising group map** and a circuit for causing the said selected channel to be displayed, as recited in the claims.

Claims 53-58 are allowable because the prior art fails to teach or disclose a method of receiving at a subscriber node at least one channel of television programming and advertising, comprising: assigning said subscriber node to an advertising group and **receiving a map via said television service delivery system mapping a plurality of subscribers to advertising groups and determining from said map to which advertising group said subscriber node belongs,** **simultaneously transmitting a plurality of presentation channels via said television service delivery system to said subscriber node, the presentation channels corresponding to a programming channel, said programming channel**

Art Unit: 2617

comprising television programming and advertising avails, wherein said plurality of presentation channels contain identical programming and different advertising within said advertising avails, storing data indicative one of the presentation channels corresponding to the advertising group at said subscriber node, based on said assigning, enabling the subscriber node to select, receive and display said one presentation channel, as recited in the claims.

Claims 59-64 are allowable because the prior art fails to teach or disclose a method of receiving at a subscriber node at least one channel of television programming and advertising, comprising: assigning said subscriber node to an advertising group, **simultaneously transmitting a plurality of presentation channels via said television service delivery system to said subscriber node, the presentation channels corresponding to a programming channel, said programming channel comprising television programming and advertising avails, wherein said plurality of presentation channels contain identical programming and different advertising within said advertising avails,** storing data indicative one of the presentation channels corresponding to the advertising group at said subscriber node, based on said assigning, enabling the subscriber node to select, receive and display said one presentation channel, **wherein the television delivery system includes a plurality of programming channels, each programming channel having a plurality of corresponding presentation channels for selection, reception and display by said subscriber node,** as recited in the claims.

3. A background search found similar prior art, however, not completely as claimed. For example, Bar-el (WO 99/26415) discloses transmitting a plurality of presentation channels with identical programming and different advertising. Bar-el alone or in combination, however, fails to disclose transmitting the plurality of presentation channels to each subscriber and transmitting a map indicating which channel a subscriber should access.

Hoarty (5,550,578) discloses wherein a plurality of individual subscriber channels are created and all are transmitted to each subscriber and only a single channel may be tuned by any individual subscriber. Hoarty alone or in combination, however, fails to disclose transmitting a plurality of presentation channels with identical programming and different advertising and transmitting a map indicating which channel a subscriber should access.

Hendricks (6,463,585) discloses transmitting a channel of television programming and a plurality of feeder channels with different advertising. Hendricks alone or in combination, however, fails to disclose transmitting a plurality of presentation channels with identical programming and different advertising.

Wachob (5,231,494) discloses transmitting a channel of television programming with a plurality of channels with different advertising. Wachob alone or in combination,

Art Unit: 2617

however, fails to disclose transmitting a plurality of presentation channels with identical programming and different advertising.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on _____.
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Registration Number: _____

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. () _____ - _____ on _____
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Registration Number: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (571) 272-7357. The examiner can normally be reached on 9:00-5:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Sheleheda
Patent Examiner
Art Unit 2617

JS


CHRIS KELLEY
ADVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600